



**IN THE MATTER OF THE INVOLVEMENT OF  
AN OFF-DUTY MEMBER OF THE VICTORIA POLICE DEPARTMENT  
FOLLOWING A FATAL COLLISION BETWEEN A CIVILIAN MOTORIST  
AND A MOTORCYCLIST NEAR  
THE TOWN OF MILL BAY, BRITISH COLUMBIA  
ON JUNE 17, 2018**

**DECISION OF THE CHIEF CIVILIAN DIRECTOR  
OF THE INDEPENDENT INVESTIGATIONS OFFICE**

Chief Civilian Director:

Ronald J. MacDonald, Q.C.

IIO File Number:

2018-072

Date of Release:

December 6, 2021

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***Note: this Public Report was originally produced on December 12, 2018. Its publication has been delayed to avoid any possibility of prejudice to concurrent legal proceedings arising out of the same incident. Those proceedings have now concluded.***

## **INTRODUCTION**

In the early morning hours of June 17, 2018, the Affected Person ('AP') was riding a motorcycle northbound on the Trans Canada Highway near Mill Bay when he was struck from behind by a speeding Chevrolet Corvette. AP was thrown onto the pavement and was fatally injured. The motorcycle landed on top of the Corvette, which came to rest farther along the highway with its occupants pinned inside. Very shortly after the collision, the Subject Officer ('SO'), an off-duty member of the Victoria Police Department, driving northbound in his personal vehicle, came upon the debris field on the dark highway and was unable to stop before his vehicle passed over AP's body (without striking it with his wheels) as it lay on the road. SO called 911 and then rendered assistance to AP.

Because of the involvement of an officer close in time to the collision and AP's death, the Independent Investigations Office ('IIO') was notified and commenced an investigation. The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statements of SO, a civilian witness and two witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- Event Data Recorder downloads from the Corvette and from SO's personal vehicle;
- photographs of the scene; and
- autopsy results.

## **NARRATIVE**

SO told IIO investigators that at approximately 2:15 a.m. on June 17, 2018, he was off duty and was driving northbound on the Trans Canada Highway in his personal vehicle, a pickup truck. He said he was overtaken by a late model Chevrolet Corvette, which was traveling at a high rate of speed and was soon lost to sight. He estimated the Corvette's

speed at about 150 to 160 km/h, and said it sounded as if it was accelerating as it disappeared ahead of him.

About 1.5 kilometres farther along the highway, SO saw debris scattered on the highway and braked, but was unable to avoid his vehicle passing over a body (AP) lying in the road:

*Before I could do anything, [AP's body] was right in front of me, so I couldn't... I knew if I swerved to try and avoid it, I knew my wheels would go right over it, so the best that I could do, because it was completely unavoidable at that point, the best I could do was try to swerve so that the wheels would avoid it, and it went down the centre of the truck ... and I don't remember exactly where through there, I thought, "Holy shit, that looked like a person".*

SO said that despite his efforts to avoid hitting the body, he heard a sound that he believed was caused by the undercarriage of his truck making momentary contact with it.

SO said he pulled to the side of the highway and called 911. He said he could see the Corvette stationary farther to the north. The 911 call was recorded and is consistent with SO's account. SO then went back to where AP was lying in the road, where he found that another northbound motorist, Civilian Witness 1 ('CW1'), had stopped and was already beside AP.

CW1 later told IIO investigators that as she had been driving north that night, a black car had passed her at an "absolutely insane" speed. This had happened at a point approximately five and a half kilometres south of the location of the subsequent collision, so CW1 was clearly driving some distance behind SO. CW1 said that, driving at about 90 km/h, she then saw the debris and AP's body in the road, and pulled over. She said she activated her hazard warning lights, called 911 and went to AP. She had not seen the collision, and said she did not see SO's vehicle, which was pulled to the side of the road north of her. She said she wanted to move AP off the road, but was told by the 911 operator not to move him.

CW1 said she saw another northbound vehicle approaching and tried to warn it by flashing a light from her cell phone, but it ran over AP and drove on. She said that four other vehicles also passed without stopping.

CW1 described SO coming to AP's side and starting CPR. She said that she told SO that someone had driven over AP, and that he had acknowledged having done so himself, but she also said that she did not believe the vehicle she had seen had been SO's pickup.

SO told the IIO that he found AP not breathing and without vital signs, and began CPR, continuing until paramedics arrived and took over. SO said he also had to stop CW1 repeatedly endangering herself by going out onto the roadway flashing her cell phone at passing traffic.

SO gave a statement to RCMP members as they arrived at the scene and wrote another more detailed statement at the detachment. Subsequently, though not required to do so by the IIO because of his status as a Subject Officer, SO gave two further statements to IIO investigators.

Witness Officers 1 and 2 ('WO1' and 'WO2') were dispatched to the collision scene. WO1 told the IIO that even knowing the approximate location and expecting to find debris and a body on the road, he still came upon the scene suddenly and unexpectedly because the area was very dark. Both witness officers described finding CW1 in the road, shining a light in an attempt to warn approaching traffic.

WO1 said that he was not aware at the time that SO was an off-duty police officer. He said that when he dealt with SO he got close to him to determine whether there were any indications that SO had been drinking, such as an odour of liquor, slurred speech or unsteadiness. WO1 said he did not observe any such indication. WO2 told IIO investigators that he too had observed SO closely, and had not noted any sign of alcohol consumption or impairment.

A mechanical inspection was later conducted on SO's vehicle. It was found to be in good mechanical condition, with no defects noted. There were marks on the undercarriage consistent with transient contact with AP's body.

Vehicle data downloaded indicated that the Corvette's speed was 253 km/h five seconds prior to impact with AP's motorcycle and 231 km/h at the time of impact. SO's vehicle was traveling at 98 km/h at the time it passed over AP's body.

At autopsy, the pathologist confirmed that AP's injuries were consistent with his motorcycle having been struck from behind, creating a massive acceleration/deceleration event and immediate unconsciousness. It was the pathologist's opinion that AP was probably already deceased by the time his body came to rest on the pavement.

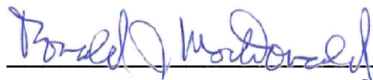
## **LEGAL ISSUES AND CONCLUSION**

The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to an incident resulting in serious harm or death.

In this case, there has never been any suggestion that the collision with AP's motorcycle, with the resulting fatal injuries to AP, was contributed to or caused by anyone other than the driver of the Corvette. The IIO commenced an investigation, as required by law, when advised of the incident because of the close temporal connection between the collision and SO's arrival at the scene and, in particular, because of SO's acknowledgement that his vehicle had unintentionally made contact with AP's body as he arrived.

The evidence gathered in the course of that investigation demonstrates that SO was driving normally when he suddenly and unexpectedly came upon the immediate aftermath of the collision on a very dark stretch of highway. Seeing what appeared to be a body amongst the debris, he was unable to avoid it completely, but drove so that the tires of his vehicle did not strike it. Pulling over, he acted appropriately in all respects, and subsequently gave a full account of his actions, consistent in all respects with the physical evidence. There is no evidence of either negligence or criminality on SO's part.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that there are reasonable grounds to believe that an officer may have committed an offence under any enactment and therefore the matter will not be referred to Crown counsel for consideration of charges.

  
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Ronald J. MacDonald, Q.C.  
Chief Civilian Director

December 6, 2021  
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